

**BOARD BILL #217**

**ALDERWOMEN PHYLLIS YOUNG**

**& CHRISTINE INGRASSIA**

An ordinance establishing the Lafayette Square Special Business District pursuant to Sections 71.790 through 71.808 of the Revised Statutes of Missouri, setting its boundaries, tax rate, initial rate of levy subject to the approval of the qualified voters, bonding authority, and uses to which tax revenue may be put; creating a board of commissioners; and containing severability, effectiveness, and emergency clauses.

WHEREAS, a petition signed by property owners in the area hereinafter described has been filed with the City, requesting the establishment of a Special Business District; and

WHEREAS, pursuant to Section 71.792 R.S.Mo., a survey and investigation of the desirability and possibility of forming a Special Business District in that portion of the City of St. Louis within the maximum commonly known boundaries:

Beginning at the point of the intersection of the south line of Chouteau Avenue and the east line of Jefferson Avenue; thence eastwardly along said south line of Chouteau Avenue, to its point of intersection with the west line of Truman Parkway; thence southwardly along said west line of Truman Parkway to its point of intersection with the north line of Lafayette Avenue; thence westwardly along said north line of Lafayette Avenue to its intersection with 18th Street; thence southwardly along the extension of the east line of said 18th Street to its intersection with Interstate Forty-Four; thence westwardly along the north line of said Interstate Forty-Four to its intersection with Jefferson Avenue; thence northwardly along the east line of said Jefferson Avenue to the point of beginning;

1 has been conducted and a written report thereof is on file in the office of the City  
2 Register as Document \_\_\_\_\_; and

3 WHEREAS, this Board of Aldermen did on December 12, 2014 adopt Resolution  
4 Number \_\_\_\_\_ declaring its intention to establish a Special Business District in said area and  
5 calling for a public hearing on the matter; and

6 WHEREAS, said public hearing, duly noticed, was held at 9:00 a.m. on January 6, 2015  
7 by the Committee on Ways & Means of the Board of Aldermen; and

8 WHEREAS, this Board of Aldermen hereby finds that the establishment of a  
9 Special Business District for said area described above is in the best interest of the City of St.  
10 Louis and that the property owners and tenants of said area and the public in general will benefit  
11 by the establishment of said Special Business District and the increased level of services and  
12 improvements provided by the proposed additional tax revenues from said district; and

13 WHEREAS, the said district shall be known as the Lafayette Square Special  
14 Business District;

15 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

16 SECTION ONE. A Special Business District, to be known as the "Lafayette  
17 Square Special Business District" (hereinafter referred to as the "District"), is hereby established  
18 for the area of the City described as follows:

19 Beginning at the point of the intersection of the south line of Chouteau Avenue and the  
20 east line of Jefferson Avenue; thence eastwardly along said south line of Chouteau Avenue, to its  
21 point of intersection with the west line of Truman Parkway; thence southwardly along said west  
22 line of Truman Parkway to its point of intersection with the north line of Lafayette Avenue;

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1   thence westwardly along said north line of Lafayette Avenue to its intersection with 18th Street;  
2   thence southwardly along the extension of the east line of said 18th Street to its intersection with  
3   Interstate Forty-Four; thence westwardly along the north line of said Interstate Forty-Four to its  
4   intersection with Jefferson Avenue; thence northwardly along the east line of said Jefferson  
5   Avenue to the point of beginning.

6           The property in the District established by this ordinance shall be subject to the  
7   provisions of additional tax as provided herein.

8           SECTION TWO. Taxes for the District shall be assessed and collected as follows:

9           A. For the purpose of paying for costs and expenses incurred in the establishment and  
10   operation of the District, the provision of services and facilities and improvements authorized in  
11   Sections Five and Six of this ordinance, and incidental to the leasing, construction, acquisition  
12   and maintenance of any improvements authorized herein or for paying principal and interest on  
13   bonds or notes authorized for the construction or acquisition of any said improvement, there may  
14   be imposed a tax upon all real property within the District at eighty-five cents (\$.85) on the one  
15   hundred dollars (\$100.00) assessed valuation, subject to the provisions of Section Nine. Such tax  
16   shall be imposed during the 2015, 2016, 2017, 2018 and 2019 tax years only subject to the  
17   renewal of such tax by the qualified voters of the District pursuant to the procedure set forth in  
18   Section 71.800 RSMo. (2000).

19          B. If the proposition submitted to the qualified voters residing in the District receives in  
20   its favor the votes of the majority of the qualified voters voting at the election conducted  
21   pursuant to Section Nine, the initial rate of levy which shall be imposed upon real property

1 within the District shall be eighty-five cents (\$.85) on the one hundred dollars (\$100.00)  
2 assessed valuation.

3 C. Real property subject to partial tax abatement under the provisions of Chapter 353,  
4 R.S.Mo., shall, for the purpose of assessment and collection of ad valorem real estate taxes  
5 levied under the District, be assessed and ad valorem real estate taxes shall be collected upon the  
6 same assessed value on which its ad valorem real estate taxes and payment in lieu of taxes are  
7 based in the Ordinance adopted by the City of St. Louis approving the development plan of any  
8 such corporation and authorizing tax abatement; provided, however, that the owners at such real  
9 property are strongly encouraged to make additional equitable, annual donations to the District  
10 in lieu of the additional District taxes.

11 D. The levy shall not be imposed upon real property exempt from ad valorem real estate  
12 taxes because of charitable, religious, educational or other public or private uses; provided,  
13 however, that the owners of such real property are strongly encouraged to make equitable,  
14 annual donations to the District in lieu of District taxes.

15 E. The tax provided for by this ordinance shall be collected by the Collector of Revenue  
16 and held in a special account to be used only for all purposes authorized hereunder, as provided  
17 by law.

18 F. If the District for any reason is dissolved, all delinquent taxes collected after the date  
19 of dissolution shall be credited and forwarded to the general fund of the City of St. Louis after all  
20 debts of the District, if any, are discharged.

21 SECTION THREE. For the purposes of paying costs and expenses to be incurred in the  
22 acquisition, construction, improvement, expansion and/or maintenance of any facilities of the

District, the District may incur indebtedness and issue bonds or notes for the payment thereof under the terms of, and subject to, the requirements set forth by law.

SECTION FOUR. There shall be a Board of Commissioners to administer the District.

The Board of Commissioners shall be selected as follows:

A. Membership: The Board of Commissioners shall consist of seven (7) members, and shall be appointed by the Mayor with the advice and consent of the Board of Aldermen, of whom five (5) members shall be owners of real property within the District or their representatives and two (2) members shall be renters of real property within the District or their representatives; provided, however, that no employee or elected official of the City of St. Louis shall be a member of the Board of Commissioners.

B. Initial Board: With respect to the initial members of the Board of Commissioners, Alderwomen Young and Ingrassia will submit a slate of nine (9) names to the Mayor and the Mayor shall appoint the initial members of the Board of Commissioners from such slate. Selection of a slate of nine (9) potential members of the Board of Commissioners shall be made by Alderwomen Young and Ingrassia, who shall develop such slate in consultation with the neighborhood, from the names of those who have been proposed by or have submitted applications to the Alderwomen. Alderwomen Young and Ingrassia will look for members who are qualified property owners, renters, and business owners within the neighborhood with careful attention to representing all parts and interests of the neighborhood.

C. Term of Office: Each member of the Board of Commissioners shall serve for a four (4) year term (except as provided herein with respect to the initial members), with terms expiring as

1 of December 31st of the designated year or when their successors are appointed as provided  
2 herein, whichever is later. No member shall serve more than 2 (two) terms.

3 D. Initial Members and Terms: The initial members shall be appointed for the terms set  
4 forth as follows: one (1) member shall be appointed for a term expiring December 31, 2017; two  
5 (2) members shall be appointed for a term expiring December 31, 2018; two (2) members shall  
6 be appointed for a term expiring December 31, 2019; and two (2) members shall be appointed  
7 for a term expiring December 31, 2020.

8 E. Removal: The Mayor with approval of the Board of Aldermen may remove any  
9 member of the Board of Commissioners for misconduct or neglect of duty upon written charges  
10 and after a public hearing.

11 F. Vacancies: Vacancies on the Board of Commissioners, occasioned by removal,  
12 resignation, expiration of term, or otherwise, shall be reported in writing to the Mayor by the  
13 Board of Commissioners. The vacancy shall be filled in the manner described below no later  
14 than thirty (30) days after the date of said report to the Mayor. Appointments to fill vacancies  
15 shall be for the unexpired portion of a term only. The Aldermen/Alderwomen of the ward(s) in  
16 which the neighborhood is located shall propose to the Mayor a slate of candidate(s) for a  
17 vacancy on the Board of Commissioners and will solicit input from the neighborhood in making  
18 a selection. In developing a slate, the Aldermen/Alderwomen of the ward(s) will consider  
19 qualified property owners, renters, and business owners within the neighborhood with careful  
20 attention to representing all parts and interests of the neighborhood.

21 G. Compensation: The members of the Board of Commissioners shall serve without  
22 compensation of any kind.

1           SECTION FIVE. All District revenues collected hereunder by the Collector of Revenue,  
2   except for those revenues expended for the necessary costs of the establishment and  
3   administration of the District, and for collection fees for tax revenue collected hereunder, may be  
4   used to carry out any and all of the following improvements, services and activities of the  
5   District:

6           (1) To close existing streets or alleys or to open new streets and alleys or to widen or  
7   narrow existing streets and alleys in whole or in part;

8           (2) To construct or install pedestrian or shopping malls, plazas, sidewalks or moving  
9   sidewalks, parks, meeting and display facilities, convention centers, arenas, bus stop shelters,  
10   lighting, benches or other seating furniture, sculptures, telephone booths, traffic signs, fire  
11   hydrants, kiosks, trash receptacles, marquees, awnings, canopies, walls and barriers, paintings,  
12   murals, alleys, shelters, display cases, fountains, rest rooms, information booths, aquariums,  
13   aviaries, tunnels and ramps, pedestrian and vehicular overpasses and underpasses, and each and  
14   every other useful or necessary or desired improvement;

15          (3) To landscape and plant trees, bushes and shrubbery, flowers and each and every and  
16   other kind of decorative planting;

17          (4) To install and operate, or to lease, public music and news facilities;

18          (5) To purchase and operate buses, minibuses, mobile benches, and other modes of  
19   transportation;

20          (6) To construct and operate child-care facilities;

21          (7) To lease space within the district for sidewalk cafe tables and chairs;

22          (8) To construct lakes, dams, and waterways of whatever size;

(9) To provide special police or cleaning facilities and personnel for the protection and enjoyment of the property owners and the general public using the facilities of such business district;

(10) To maintain, as hereinafter provided, all city-owned streets, alleys, malls, bridges, ramps, tunnels, lawns, trees and decorative plantings of each and every nature, and every structure or object of any nature whatsoever constructed or operated by the said municipality;

(11) To grant permits for newsstands, sidewalk cafes, and each and every other useful or necessary or desired private usage of public or private property;

(12) To prohibit or restrict vehicular traffic on such streets within the business district as the governing body may deem necessary and to provide the means for access by emergency vehicles to or in such areas;

(13) To lease, acquire, dispose of, construct, reconstruct, extend, maintain, or repair parking lots or parking garages, both above and below ground, or other facilities for the parking of vehicles, including the power to install such facilities in public areas, whether such areas are owned in fee or by easement;

(14) To promote business activity in the district by, but not limited to, advertising, decoration of any public place in the area, promotion of public events which are to take place on or in public places, furnishing of music in any public place, and the general promotion of trade activities in the district.

SECTION SIX. The District shall have all the powers necessary to carry out any and all activities and improvements authorized by law and may:



1           A. Cooperate with any public agencies and with any industry or business located within  
2 the District in the implementation of any project within the District;

3           B. Enter into any agreement with the City, any other public agency, any person, firm, or  
4 corporation to affect any of the provisions contained in Sections 71.790 through 71.808 R.S.Mo.;

5           C. Contract and be contracted with, sue and be sued and provide for insurance of all  
6 projects and property owned or managed by the District and for insurance covering all members  
7 of the Board of Commissioners and employees and agents of the District, providing for coverage  
8 of such risks and with such limits as the Board of Commissioners may deem proper;

9           D. Accept gifts, grants, loans or contributions from the City, the United States of  
10 America, the State of Missouri, political subdivisions, foundations, other public or private  
11 agencies, individuals, partnerships, or corporations; and

12           E. Employ such managerial, engineering, legal, technical, clerical, accounting, and other  
13 assistance as the Board of Commissioners may deem advisable; the District may also contract  
14 with independent contractors for any such assistance.

15           SECTION SEVEN.

16           A. Annual Budget. The Board of Commissioners shall file with the Board of Aldermen  
17 an annual budget for the District, which shall set forth the projected revenues and expenditures  
18 for the ensuing year, not later than the first day of November each year; provided, however, that  
19 no such proposed annual budget shall be filed with the Board of Aldermen until after the date the  
20 Board of Commissioners conducts a public hearing within the District on any such proposed  
21 annual budget. Notice of any such public hearing shall be published at least ten (10) days prior to  
22 the hearing in a daily, twice-weekly, weekly or biweekly newspaper of general circulation within

1 the District; and provided further, that in addition to showing the time, date and place of the  
2 hearing, the notice shall also show the complete proposed annual budget. The Board of  
3 Commissioners shall not expend any funds collected by the Collector of Revenue inconsistent  
4 with or until an annual budget for the expenditure of such funds is approved by the Board of  
5 Aldermen by Resolution. If the Board of Aldermen does not act on said budget by Resolution  
6 within thirty (30) days of its filing, said budget will presume to have been approved by the Board  
7 of Aldermen.

8           B. Annual Report. The Board of Commissioners shall also file an annual report  
9 with the Board of Aldermen, which shall set forth the programs, revenues and expenditures of  
10 the District for the previous calendar year, not later than the first day of March each year.

11           SECTION EIGHT. The City shall not decrease the level of municipally funded services  
12 in the District existing prior to the creation of the District, unless the services at the same time  
13 are decreased throughout the City, nor shall the City discriminate in the provision of new  
14 municipally funded services between areas included in the District and areas not so included.

15           SECTION NINE. The tax levy authorized in Section Two shall not be effective unless  
16 and until the following proposition, submitted to the qualified voters residing in the District at a  
17 special election in the District to be held on April 7, 2015, shall receive in its favor the votes of  
18 the majority of the qualified voters voting at said election for or against said proposition. Said  
19 proposition shall be in substantially the following form:

20           OFFICIAL BALLOT  
21

1 Shall the Lafayette Square Special Business District be authorized to impose a tax  
2 on owners of real property in a sum not to exceed \$.85 per \$100.00 assessed  
3 valuation for the tax years, 2015, 2016, 2017, 2018 and 2019 on all real property  
4 located in the Lafayette Square Special Business District as defined in Ordinance  
5 No.\_\_\_\_\_, approved \_\_\_\_\_, (Board Bill No. \_\_\_\_\_) for the purposes as  
6 set forth in said Ordinance?

7 \_\_\_\_\_YES

8 \_\_\_\_\_NO

9 SECTION TEN. If any section, subsection, sentence, clause, phrase, or portion of this  
10 ordinance is held to be invalid or unconstitutional, or unlawful for any reason, by any court of  
11 competent jurisdiction, such portion shall be deemed and is hereby declared to be separate,  
12 distinct and independent provisions of this ordinance, and such holding or holdings shall not  
13 affect the validity of the remaining portions of this ordinance.

14 SECTION ELEVEN: The Board of Aldermen hereby finds and determines that this  
15 Ordinance constitutes an "emergency measure" pursuant to Article IV, Section 20 of the City  
16 Charter, because this Ordinance establishes the Lafayette Square Special Business District,  
17 which is a taxing district, and as such, this Ordinance shall take effect immediately upon its  
18 approval by the Mayor as provided in Article IV, Section 20 of the City Charter.